

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/711,431 Confirmation No.: 7725
Applicant : Marco M. Hurtado et al.
Filed : November 13, 2000
TC/A.U. : 2132
Examiner : Abdulhakim NOBAHAR
Docket No. : SOM920000014US1
Customer No. : 23334

VIA FACSIMILE (703) 872-9306**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Attention: Examiner NOBAHAR Tel. (703) 305-8074

TERMINAL DISCLAIMER

Dear Examiner:

The following Terminal Disclaimer is being submitted with Applicants' response to the Office Action dated August 25, 2004 in connection with the above-identified application.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date November 24.

2004 By: Karen TaragowskiSignature: Karen Taragowski

Applicant, Assignee, or Representative

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TERMINAL DISCLAIMER

Your petitioner, INTERNATIONAL BUSINESS MACHINES CORPORATION, having its principal place of business at New Orchard Road, Armonk, New York, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application and invention covered thereby as established by the assignment recorded at Reel 011666, Frame 0972. The assignment documents have been reviewed and INTERNATIONAL BUSINESS MACHINES CORPORATION certifies that to the best of its knowledge and belief, title to the above-identified application is in the name of INTERNATIONAL BUSINESS MACHINES CORPORATION. (37 C.F.R. § 3.73(b))

INTERNATIONAL BUSINESS MACHINES CORPORATION hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the date of the full statutory term for U.S. Patent No. 6,098,056, issued on August 1, 2000 to Rusnak et al. INTERNATIONAL BUSINESS MACHINES CORPORATION hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be held by the same entity holding the legal title to U.S. Patent No. 6,098,056. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, and assigns.

INTERNATIONAL BUSINESS MACHINES CORPORATION does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term of U.S. Patent No. 6,098,056, in the event that U.S. Patent No. 6,098,056 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term.

I hereby aver that I have the authority of INTERNATIONAL BUSINESS MACHINES CORPORATION to make all statements, representations, and agreements set forth

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herein and that I am empowered to sign this document on behalf of INTERNATIONAL BUSINESS MACHINES CORPORATION. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: November 24, 2004

By: 
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